IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2007

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.21784 of 2007

P.Jayakumar .. Petitioner

vs.

The Secretary,
Regional Transport Authority,
Tiruppur,
Coimbatore District. .. Respondent

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the respondent in proc.No.A3/62820/2007, dated 19.6.2007, and quash the same.

For petitioner : Mr.Navin Durai Babu for
M/s. Maha Associates

For respondent : Mr.A.Arumugam
Additional Government Pleader

O R D E R

Mr.A.Arumugam, the learned Additional Government Pleader takes notice for the respondent.

2. With the consent of the learned counsels appearing on either side, the writ petition itself is taken up for final disposal.

3. It is submitted by the petitioner that he is operating a mini bus bearing Registration No.TN-25-9714 on the route Chinnavadugapalayam to Annupatti via Palladam etc., as per the permit issued by the Regional Transport Authority, Coimbatore, from 16.10.1998. Since the permit was due to expire, on 15.10.2003, he had made a renewal application, dated 22.8.2003, as per the provisions of The Motor Vehicles Act, 1989. By an order, dated

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14.10.2003, the second respondent had rejected the application without a proper finding and based only on a presumption that the overlapping portion exceeds the limits fixed by the scheme.

4. The petitioner had filed an Appeal No.1083 of 2005, before the State Transport Appellate Tribunal challenging the order of the second respondent, dated 14.10.2003. The Appellate Tribunal by its order, dated 6.12.2004, had set aside the order of the second respondent and allowed the appeal, remitting the matter back to the Regional Transport Authority, Coimbatore, with a direction to survey the route and if the served sector and un served areas are within the limts, the request of the petitioner to renew the permit be considered. Thereafter, a writ petition had been filed by the petitioner before this Court in W.P.No.10112 of 2005. This Court had passed an interim order of stay in W.P.M.P.No.10986 of 2005 in W.P.No.10112 of 2005, by its order, dated 8.3.2005. Therefore, the petitioner is still operating the mini bus bearing Registration No.TN-25-9714. In such circumstances, the petitioner had requested the respondent to permit the petitioner to replace the existing mini bus by another vehicle with registration No.TN-63 A 4365. However, the respondent had rejected the petitioner's request. Hence, the petitioner had filed the present writ petition.

5. At the stage of the hearing of the writ petition, the learned counsel appearing for the petitioner had placed before this Court an order, dated 12.2.2007, passed by this Court in W.P.No.49789 of 2006 and also an order, dated 24.4.2007, made in W.P.No.14013 of 2007, wherein the same proceedings passed by the respondent had been set aside and the petitioner had been permitted to replace the vehicle as prayed for.

6. In such circumstances, the impugned proceedings in proc.No.A3/62820/2007, dated 19.6.2007, is set aside and the writ petition is allowed in view of the order passed by this Court, on 12.2.2007, in W.P.No.49789 of 2006 and on 24.4.2007, in W.P.No.14013 of 2007. No costs. Consequently, connected M.P.No.1 of 2007 is closed.

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Asst. Registrar.

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Sub Asst. Registrar.

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To

The Secretary,
Regional Transport Authority,
Tiruppur,
Coimbatore District.

1 cc to the Government Pleader, High Court, Madras, Sr. 53054
1 cc to M/s. Maha Associates, Advocate, Sr. 52986

W.P.No.No.21784 of 2007

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